

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
SAI KIM,

Plaintiff,

- against -

HILTON HOTELS CORPORATION,  
HILTON GARDEN INN, INC.

Defendants  
-----X

NOTICE OF REMOVAL

07 CIV 4696

JUDGE CASTEL

TO THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

Defendants HILTON HOTELS CORPORATION and HILTON GARDEN INN,  
INC., a non-entity, respectfully request removal of the within action from the Supreme  
Court of the State of New York, County of New York, to the United States District Court  
for the Southern District of New York, and respectfully show this Honorable Court:

FIRST: HILTON HOTELS CORPORATION and HILTON GARDEN  
INN, INC. are defendants in a civil action brought against them in the Supreme Court of  
the State of New York, County of New York, entitled:

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK  
-----X

SAI KIM,

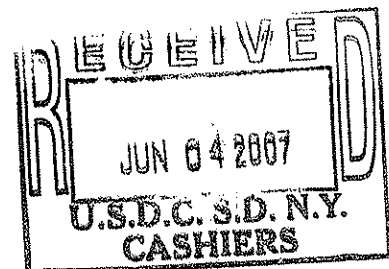
Plaintiff,

- against -

HILTON HOTELS CORPORATION,  
HILTON GARDEN INN, INC.

Defendants  
-----X

Index No. 105971/07



A copy of the Summons and Complaint and Affidavit regarding service in that action are annexed hereto, and constitute all process, pleadings and other papers allegedly served upon defendant HILTON HOTELS CORPORATION and HILTON GARDEN INN, INC.

SECOND: This action was purportedly commenced by service of a copy of the Summons and Complaint at the office of the Secretary of State of New York, in Albany, New York, on May 3, 2007 and by transmittal to HILTON HOTELS CORPORATION in Memphis, Tennessee via certified mail. (See copy of Affidavit regarding service, and copy of Certified Mail receipt annexed to the Summons and Complaint). The Summons and Complaint were received at HILTON HOTELS CORPORATION in Memphis, Tennessee on May 7, 2007.

THIRD: HILTON HOTELS CORPORATION is a Delaware corporation with its principal place of business in Beverly Hills, California.

FOURTH: HILTON GARDEN INN, INC. is a non-entity.


FIFTH: In the above described action, plaintiff SAI KIM alleges that she was and still is a resident of the State of New York. Plaintiff further alleges that on March 26, 2007 she checked into room 336 of the Hilton Garden Inn in Columbus, Ohio and after a two nights stay discovered that she had received bed-bug bites, incurred expenses as a direct result of exposure to bed bugs and was left physically scarred and emotionally damaged and that these consequences were a direct result of defendants negligence. According to the Complaint the amount in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs, in that plaintiff alleges that she has been damaged at minimum in the amount of FIVE MILLION DOLLARS (\$5,0000,000.00).

SIXTH: The within action is one of which this Court has original jurisdiction of plaintiff's claims by virtue of 28 U.S.C. §1332 , and is one which may be removed to this court by defendants HILTON HOTELS CORPORATION and HILTON GARDEN INN, INC. pursuant to 28 U.S.C. §1441, in that plaintiff was at the time the above described action was commenced, and still is, a citizen and resident of the State of New York, and defendant HILTON HOTELS CORPORATION was at the time the above described action was commenced, and still is, a Delaware corporation with its principal place of business in Beverly Hills, California, and defendant HILTON GARDEN INN, INC. was and remains a non-entity.

WHEREFORE, defendants HILTON HOTELS CORPORATION and HILTON GARDEN INN, INC. pray that this action be removed to the United States District Court for the Southern District of New York and that this case proceed in this Court as a properly removed cause, and that defendant HILTON HOTELS CORPORATION have such other, further and different relief as to this Court may seem just and proper.

Dated: New York, New York  
June 1, 2007

Herzfeld & Rubin, P.C.

By:   
JOSEPH E. DONAT (JD-4106)  
Attorneys for Defendants  
HILTON HOTELS  
CORPORATION and  
HILTON GARDEN INN, INC.  
40 Wall Street  
New York, New York 10005  
(212) 471-8463

TO:

KENNETH J. GLASSMAN, ESQ.  
Attorney for Plaintiff  
475 Park Avenue South, Suite 700  
New York, New York 10016  
(212) 213-2510

Index # 105971/07

Purchased/Filed: May 2, 2007

**AFFIDAVIT OF SERVICE ON A CORPORATION BY THE SECRETARY OF STATE**

State of New York

Supreme Court

New York County

Saikim

Plaintiff

against

Hilton Hotels Corporation, Hilton Garden Inn, Inc.

Defendant

STATE OF NEW YORK )  
COUNTY OF ALBANY ) SS  
CITY OF ALBANY )**DESCRIPTION OF PERSON SERVED:**

Approx. Age: 45 yrs

Weight: 155 Lbs Height: 5'5 Sex: Female Color of skin: White

Hair color: Blonde Other:

Robin Brandow

\_\_\_\_\_, being duly sworn, deposes and says: deponent is over the age of eighteen (18) years; that on May 3, 2007, at 12:00pm, at the office of the Secretary of State of the State of New York in the City of Albany, New York deponent served the annexed

Summons and Complaint

on

Hilton Hotels Corporation

\_\_\_\_\_, the

Defendant in this action, by delivering to and leaving with Donna Christie

AUTHORIZED AGENT in the Office of the Secretary of State, of the State of New York, personally at the Office of the Secretary of State of the State of New York, two (2) true copies thereof and that at the time of making such service, deponent paid said Secretary of State a fee of 40.00 dollars; That said service was made pursuant to Section BUSINESS CORPORATION LAW §306.

Deponent further says that deponent knew the person so served as aforesaid to be the agent in the Office of the Secretary of State of the State of New York, duly authorized to accept such service on behalf of said defendant.

**FILED**

MAY - 8 2007

NEW YORK  
COUNTY CLERK'S OFFICE

Sworn to before me on this

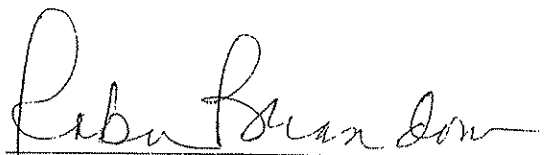
3rd day of

May, 2007



FAITH COZZY

NOTARY PUBLIC, State of New York  
No. 01CO6158874, Albany County  
Commission Expires Jan 8, 2011



Robin Brandow

Invoice-Work Order # 0709744



State of New York - Department of State  
Receipt for Service

Receipt #: 200705030211  
Date of Service: 05/03/2007  
Service Company: 02 ALEXANDER POOLE & CO., INC. - 02  
Cash #: 200705030197  
Fee Paid: \$40 - DRAWDOWN

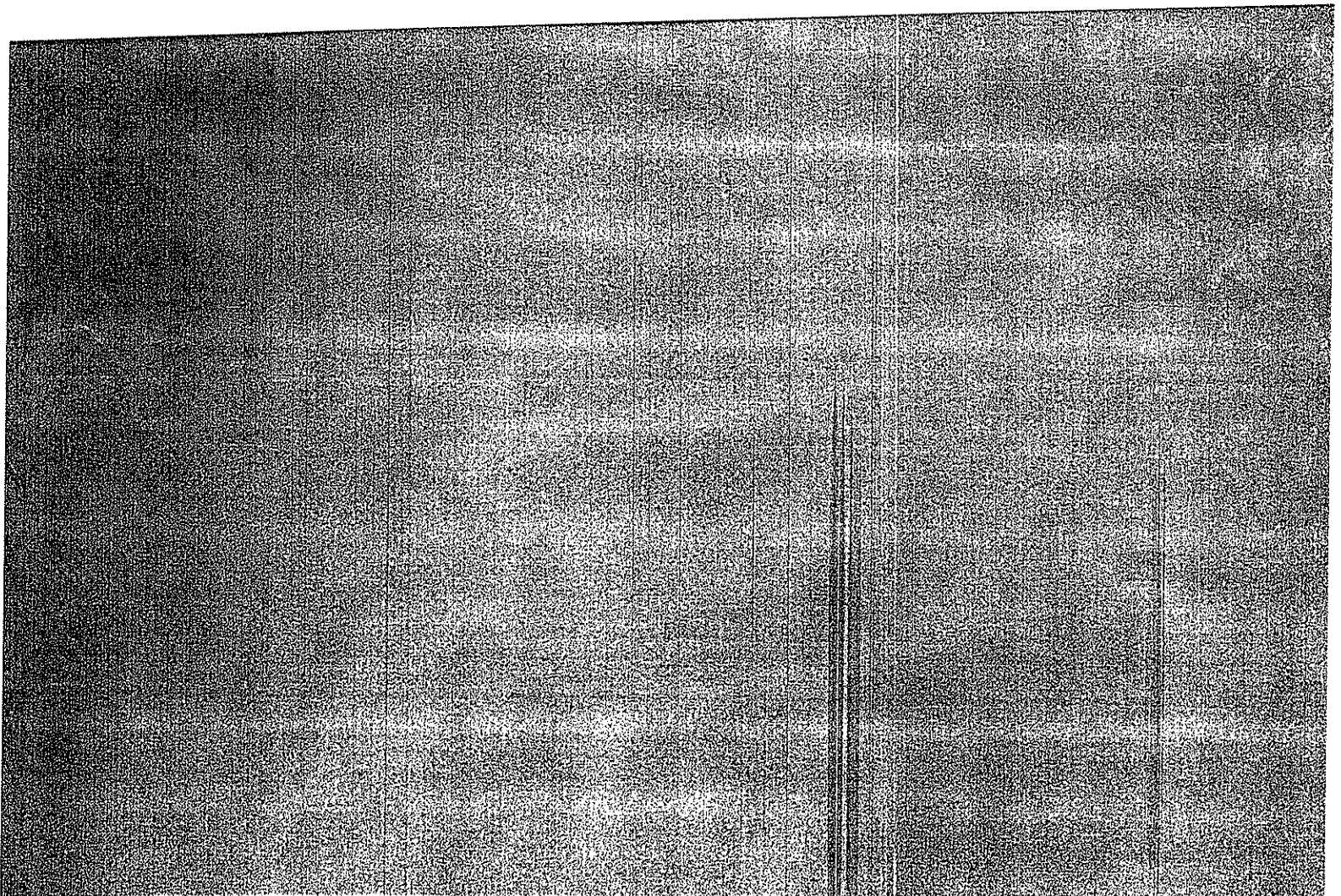
Service was directed to be made pursuant to: SECTION 306 OF THE BUSINESS  
CORPORATION LAW

Party Served: HILTON HOTELS CORPORATION

Plaintiff/Petitioner:  
KIM, SAI

Service of Process Address:  
C/O UNITED STATES CORPORATION COMPANY  
80 STATE STREET  
ALBANY, NY 12207

Secretary of State  
By DONNA CHRISTIE



DOS-1244 (11/96)

DEPARTMENT OF STATE  
UNIFORM COMMERCIAL CODE  
41 STATE STREET  
ALBANY, NY 12231-0001

C/O UNITED STATES CORPORATION COMPANY  
80 STATE STREET  
ALBANY, NY 12207

1. LUP 1244 Form 2  
2. LUP 1244 Form 2  
3. LUP 1244 Form 2  
4. LUP 1244 Form 2  
5. LUP 1244 Form 2  
6. LUP 1244 Form 2  
7. LUP 1244 Form 2  
8. LUP 1244 Form 2  
9. LUP 1244 Form 2  
10. LUP 1244 Form 2

MAIL



7111 5495 5553 1541 5758

RETURN RECEIPT REQUESTED

Article Addressed To:

HILTON HOTELS CORPORATION  
C/O UNITED STATES CORPORATION COMPANY  
80 STATE STREET  
ALBANY, NY 12207

Albany, NY 12231

Receipt # 200705030211

COMPLETE THIS SECTION ON DELIVERY

A. Signature: (If Addressed to Agent)

X

B. Received By: (Please Print Clearly)

C. Date of Delivery

D. Addressee's Address (If Different From Address Used by Sender)

Secondary Address / Suite / Apt. / Floor (Please Print Clearly)

Delivery Address

City State ZIP + 4 Code

